

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

CHRIS FRANKLIN,
ADC #800095

PLAINTIFF

v.

5:09-cv-00293-JMM-JTK

LARRY NORRIS, et al.

DEFENDANTS

ORDER

This matter is before the Court on Plaintiff's Motion to Compel (Doc. No. 56). Defendants filed a Response to the Motion (Doc. No. 57).

In his Motion, Plaintiff asks the Court to compel Defendants to produce unanswered interrogatories, requested on September 3, 2010, for inmate and other witnesses listed for the April 11, 2011 Evidentiary Hearing. In their Response, Defendants state they have responded to all Plaintiff's discovery requests directed to the parties of this action, and have not received any discovery requests dated September 3, 2010.

On September 3, 2010, Plaintiff filed a witness list and request for service, together with a request for inmate witnesses, all to be produced at the April 11, 2011 Hearing (Doc. Nos. 53, 54). These requests were directed to this Court, and not to the Defendants. The Court is unclear whether Plaintiff's present Motion refers to those witness requests and if so, what he seeks from the Defendants. Therefore, at this time, the Court finds Plaintiff's Motion to Compel should be denied, in light of Defendants' Response that they have responded to Plaintiff's discovery requests. Accordingly,

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Compel is DENIED without prejudice.

IT IS SO ORDERED this 7th day of December, 2010.

A handwritten signature in black ink, appearing to read 'J. Kearney', written in a cursive style.

JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE